



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Monthly Enforcement Report for actions during March 2007

DISTRIBUTED: April 9, 2007

This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. This report does not include summaries of the hundreds of compliance related activities occurring every month because it is impractical to capture a sampling of those activities that would be representative of that work. Please contact Peter Carney at (207) 287-4305 or Peter.J.Carney@Maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and, impose and deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Department of the Attorney General (violator followed by location of violation):

Due North Property Development, LLC, Madawaska, Maine. Due North Property Development, LLC ("Due North") violated Maine's *Asbestos* laws and the Department's *Asbestos Management Regulations* while conducting an asbestos abatement activity involving the removal of asbestos-containing floor tile at a location on Fox Street in Madawaska. Following receipt of a complaint, Department staff inspected the Fox Street location and documented the following violations of the *Asbestos* laws and *Asbestos Management Regulations*. Due North failed to notify the Department of the asbestos containing abatement activity, failed to use licensed or certified asbestos professionals to engage in an asbestos abatement activity, failed to comply with applicable pre-abatement requirements prior to engaging in an asbestos abatement activity, and failed to comply with applicable work practice requirements while engaging in an asbestos abatement activity. Following Department involvement at the site, Due North retained the services of a licensed asbestos abatement contractor to complete the Fox Street asbestos abatement activity and retained the services of a licensed asbestos inspector to conduct inspections of other properties owned by Due North to determine whether asbestos-containing materials were present at those sites. To resolve the violations, Due North paid \$4,000.00 as a civil monetary penalty.

District Court Enforcement Resolutions (case caption followed by location of violation):

State of Maine, Department of Environmental Protection v. Fill-It-Up-Please, Portland and South Portland, Maine. Following Fill-It-Up-Please's ("FIUP") failure to appear, the District Court for the Division of Southern Cumberland entered a default judgment in favor of the Department finding that FIUP violated Maine's *Underground Oil Storage Facilities and Ground Water Protection* laws and the Department's *Rules for Underground Oil Storage Facilities and Gasoline Dispensing Facilities Vapor Control* rules. FIUP operated gasoline dispensing facilities in Portland and South Portland, both facilities have been sold. FIUP failed to submit or failed to submit passing annual inspection results of its underground oil storage tanks and associated piping for the Portland and South Portland facilities, failed to properly install and maintain overfill prevention equipment at the Portland facility, failed to maintain and reconcile daily inventory records at the Portland facility, failed to submit an annual statistical inventory analysis to the Department for the Portland facility, failed to maintain electronic leak detection at the South Portland facility, failed to keep piping sumps at the South Portland facility liquid tight so water could not accumulate, and failed to comply with standards for Stage II Vapor Recovery systems at the South Portland facility. FIUP was ordered to pay \$157,000.00 as a civil monetary penalty.

State of Maine, Department of Environmental Protection v. Fill-It-Up-Please, Biddeford, Maine. Following Fill-It-Up-Please's ("FIUP") failure to appear, the District Court for the Division of Eastern York entered a default judgment in favor of the Department finding that FIUP violated Maine's *Underground Oil Storage Facilities and Ground Water Protection* laws and the Department's *Rules for Underground Oil Storage Facilities*. FIUP operated a gasoline dispensing facility in Biddeford, which has been sold. With respect to the Biddeford facility, FIUP failed



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to submit or failed to submit passing annual inspections results of its underground oil storage tanks and associated piping, failed to register an underground oil storage tank, failed to properly install and maintain overfill prevention equipment, failed to maintain and reconcile daily inventory records, and failed to submit an annual statistical inventory analysis to the Department. FIUP was ordered to pay \$69,200.00 as a civil monetary penalty.